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REPORT

OF THE

MAJORITY AND MINORITY

OF THE

SELECT COMMITTEE OF THE HOUSE,

APPOINTED TO

INQUIRE INTO THE CHARGE OF BRIBERY,

PREFERRED AGAINST DANIEL M'COOK,

HARRISBURG:

J. M. G. LESCURE, PRINTER TO THE STATE.

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1846.

10-11-12

HARRISBURG, PA.:
PRINTED ON M'KINLEY AND LESCURE'S
STEAM POWER-PRESSES.

MAJORITY REPORT.

The committee appointed under the following preamble and resolution, viz :

“WHEREAS, Victor E. Piollet, Esq., a member of this House, has stated, in his place, that a certain Daniel M’Cook has attempted, corruptly, to influence him in giving his vote, as a member of the Committee on Banks, against the proposed repeal of the charter of the Lehigh County Bank; and that the said Daniel M’Cook, offered and gave him the sum of four hundred dollars, for the purpose of corruptly influencing him as aforesaid, which money, the said Victor E. Piollet, Esq., took, as he stated, by the advice of friends, whom he consulted, as an effectual means of conclusively proving the said attempt, and which money he has laid upon the Speaker’s table, to be disposed of by this House: *And whereas*, So gross an outrage upon the dignity of this House, and the honor and integrity of its members, should be promptly inquired into and punished; therefore, be it

Resolved, That the Speaker of this House be, and he is hereby authorized and required to issue his warrant to the Serjeant-at-Arms for the arrest of the said Daniel M’Cook, and that a committee of five be appointed to investigate this affair, with power to send for persons and papers.” report :—

That immediately after their appointment they entered upon the discharge of the duties assigned them, and commenced the examination of witnesses, in the presence of the said Daniel M’Cook, who was attended by his counsel, James M’Cormick and Thadeus Stevens, Esquires, and continued the examination, from day to day, until they had taken the evidence of all those persons supposed to be acquainted with the facts connected with the transaction, favorable or otherwise, to the person implicated in the charge of bribery.

The committee have appended to their report a copy of the evidence, and will state, briefly, the facts proved, and the conclusions to which they have arrived from their investigation.

It appears, from the evidence introduced, that the said Daniel M’Cook resides in the county of Carroll, in the State of Ohio, and at the present time holds the office of clerk of the several courts of said county, and that he is here in the capacity of an agent for the Lehigh County Bank, at Allentown, in this State, his particular object being to obtain, from the Committee on Banks, in this House, a report against the proposed repeal of the charter of said bank; and that in the attempt to procure the vote of Victor E. Piollet, a member of said committee, for a favorable report to said bank, the offence charged was committed.

In the first place, the said Daniel M’Cook attempted to procure the vote of Mr. Piollet, through the influence of his personal and political friends; for that purpose, proposing to the Hon. John Laporte, to whom he had been casually introduced, that he would deposite with him five hundred dollars, for the use of said Laporte’s son, to whom he said he had written to come to Harrisburg, and to whom he proposed the money should be paid, as soon as the committee made a favorable report. Being repulsed by Judge Laporte, and an attempt made, at his instance, to induce Elisha S. Goodrich, Esq., Clerk of the Senate, and a citizen of the same county with Mr. Piollet, for the consideration of one hundred dollars, which was offered to influence the said vote, having failed, it seems that he determined to approach Mr. Piollet, in person,

and on Saturday last, having sought and obtained an interview with him, he stated his wishes, urging upon him, as reasons why his vote should be favorable to the bank, that the opposition to the bank was without cause, and that the persons interested were members of the same political party to which he (Piollet) belonged, and that men of high standing and influence in the democratic party, were anxious that the bank should be sustained.

At this interview no intimations were given that money would be paid for the desired vote; but on Monday morning he again called on Mr. Piollet, and stated to him that he had written to his father to come to Harrisburg, to attend to the business of the bank, before the committee, and that he had offered him three hundred dollars as a compensation.

Your committee view this, as an offer made to Mr. Piollet of that sum of money, to induce him to vote as was desired, as it is apparent that the intention of the said M'Cook was not to procure the services of the father of a member of the committee, merely to assist in explaining the matter, but his evident intention was to propose to Mr. Piollet, in that indirect manner, that he would give him the sum mentioned for his vote. This view is strengthened by what subsequently occurred, as we learn in the same conversation, he (M'Cook) stated that three of the committee had agreed to report favorably, and that he would deposit with him, or any person he would name, five hundred dollars, if he (Piollet) would vote for a report favorable to the bank.

It is unnecessary to give a detailed statement of all that occurred at the different interviews, suffice it to say, that on Tuesday morning four hundred dollars were paid by the said Daniel M'Cook, to the said Victor Piollet, and an additional one hundred dollars, promised upon condition of a favorable report being made: thus proving the commission of the offence charged, beyond a reasonable doubt.

And in the opinion of the committee, the evidence offered and received on behalf of the said Daniel M'Cook, does not impair, or in any degree weaken, the clear case made by the direct evidence before them. There are no material discrepancies between the testimony of Mr. Piollet, before the committee, and his statements of the transaction testified to by Messrs. Edie, Pumroy, and others; and in regard to the evidence of good character, the effect that it has made upon the minds of your committee, is to increase their surprise and regret, that any man, possessed of character and reputation, (and Mr. M'Cook appears from the evidence to have been) could so far forget what was due to himself and his fellow men, to voluntarily attempt, and actually consummate an offence, second only in its blighting consequences, against the well being of government, to *treason* itself.

It is proper for your committee to say, that in their opinion there is nothing in the conduct of Mr. Piollet, connected with this transaction, calculated to throw the least suspicion upon him as a man, or as a member of this body. He acted throughout under the advice of the Hon. John Laporte, Surveyor General, the Hon. Jesse Miller, Secretary of the Commonwealth, and Jeremiah M. Burrell, Esq. a highly respectable member of this Legislature, who all urged upon him the beneficial effects that would result from such an exposure as could only be made by permitting the offence to be consummated by the actual payment of the money; and your committee concur in the opinion, that the exposure and proper punishment of this high handed outrage will tend to preserve, unimpaired, the confidence of the people in the purity of legislative action.

The committee deem it due to Messrs. Hilands, Steel and Barber, the three members of the Committee on Banks, who are mentioned in the testimony as being understood to be favorable to the Lehigh County Bank, that there is not the slightest evidence for a supposition that they had been tampered with in relation to this affair. Their character for honor and integrity forbids this idea, and it was clearly proved that they had never exchanged a word with Mr. M'Cook, and that they did not even know him until after his arrest by the Sergeant-at-Arms.

In view of all these circumstances, your committee is constrained to say that a most gross contempt of the dignity of the House, and a flagrant attempt to corrupt one of its members, have been perpetrated by Daniel M'Cook. The evidence is clear to the point, and leaves no room for doubt. If any doubts could possibly exist in the face of

the parol testimony in the case, they must all at once be dispelled by the production of the identical money with which the corrupt attempt was made. Upon this conclusive fact rests a consideration of much importance in this and all similar cases.

It may be alleged that it was the duty of the gentleman who was approached, to repel the attempt at the first blush. It must be remembered, that a previous attempt was made on Mr. Laporte, for the purpose of reaching Mr. Piolet, by M'Cook, and that an intimation and a warning were given to Mr. Piolet, that he would probably be corruptly approached, and that it was for the purpose of making a complete exposure that he concluded to let the matter take such course, and go just as far as the author of it intended and would push it. It is insufficient to say, and is not sustained by the evidence, that M'Cook was drawn in and induced to act as he did. His previous deliberate intention is clearly proved, and that he carried it out is no man's wrong but his own. No man of honest purposes could, by any possibility, be induced to commit a crime by the mere fact that no man stays his hand.

The offence being then clearly proved, the question that presents itself is this, what action shall the House take to cause the punishment of the offender? This case being without precedent in this commonwealth, it is important that the action of the House upon it should be dictated by prudence and care, as it will doubtless, hereafter, in some degree be looked upon as a precedent, although it is to be hoped, that as it is the first so it may be the last case that may be acted upon by a Pennsylvania Legislature.

Your committee can scarcely find language sufficiently strong to express their abhorrence and detestation of the perpetrators of such offences as the one they were charged to investigate. They strike a deadly blow at our free institutions, poison the head springs of legislation, thwart the high and pure purposes of the people, and laugh at law and morality. If they be permitted to go unwhipped of justice, and be thus encouraged to prosecute their infamous vocation, honest legislation will be impossible, and our whole frame of representative government, in the end, become but a whited sepulchre.

It is due from the House to its own honor and dignity, to public justice, and good morals, that such an example shall be now made as will deter men from similar offences, and clear the atmosphere around our legislative halls from all clouds and taints of corruption.

This House can only punish the contempt against its privileges by a reprimand from the honorable Speaker, and by directing the Sergeant-at-Arms to retain in his custody the offender during its session; but the offence committed to the investigation of your committee, is punishable at common law by our courts of justice; and in view of the fact, that any punishment which this House could inflict would be entirely inadequate, and that the ends of justice would be more certain of fulfilment by placing the offender within the power and under the control of the judicial tribunals of the commonwealth, your committee would respectfully offer, for the consideration of the House, the following resolutions, viz :

Resolved, That the Attorney General, or his deputy in the county of Dauphin, be requested to take the necessary steps to arrest and bring to trial in said county, the person of Daniel M'Cook, upon the charge of having attempted, by the payment of money, corruptly to procure the vote of Victor E. Piolet, Esq., a member of the Pennsylvania Legislature, in favor of the Lehigh County Bank; and that upon the issuing of the warrant of arrest, the Sergeant at-Arms be directed to deliver to the proper officer the person of the said Daniel M'Cook.

Resolved, That the committee be discharged from the further consideration of the subject.

JOHN C. KNOX,
ALEXANDER GWIN,
R. T. GALLOWAY.

MINORITY REPORT.

The undersigned, members of the committee appointed to investigate the circumstances connected with the alleged attempt by Daniel M'Cook, corruptly to influence Victor E. Piolet, a member of the Committee on Banks, in the House of Representatives, in relation to his vote on the pending investigation of the concerns of the Lehigh County Bank, beg leave to express their dissent from the report of the majority, so far as relates to the concluding paragraph and first resolution contained in that report.

Though the undersigned entertain equal feelings of abhorrence with the majority, in regard to this bold attempt at corruption, yet they believe that inasmuch as this committee was appointed simply to "investigate this affair," their duty is confined to a full inquiry into facts and circumstances, by obtaining all the evidence in their power. They do not think it within the province of the committee to prescribe what course shall be taken by the House in relation to this matter, but believe that the committee should confine themselves to a full report of the facts and circumstances, leaving it to the House to determine what proceedings should be taken, in order to vindicate the dignity of that branch of the Legislature, thus assailed by an attempt to corrupt one of its members.

CHAS. B. TREGO,
THOS. NICHOLSON.

JOURNAL OF THE COMMITTEE.

HARRISBURG, FEBRUARY 17, 1846.

At a meeting of the committee appointed in the House of Representatives, to investigate the facts and circumstances connected with an alleged attempt on the part of Daniel M'Cook, corruptly to influence Victor E. Piolet, a member of the Committee on Banks in the House of Representatives, in relation to the pending investigation into the affairs of the Lehigh County Bank:

Present—Messrs. Knox, Galloway, Trego, Gwin and Nicholson.

On motion,

Mr. Trego was appointed Secretary to the committee.

A motion was made by Mr. Gwin,

That subpoenas be issued for Victor E. Piolet, Jeremiah M. Burrell, John Laporte, Henry Buehler and Jesse Miller.

Which was agreed to.

A motion was made by Mr. Trego,

That when this committee adjourn, it will adjourn to meet at seven o'clock this evening, and that the subpoenas for witnesses be returnable at that time.

Which motion was agreed to.

On motion of Mr. Galloway, it was

Resolved, That Daniel M'Cook have the privilege of appearing in person, or by counsel, before this committee, in relation to the charges alleged against him.

It was further moved by Mr. Galloway,

That a subpoena *duces tecum* be issued for Findley Patterson, Speaker of the House of Representatives, to produce before this committee the package committed to his care, which is said to contain money offered to a member of the House of Representatives, for the purpose of corruptly influencing him as a member of the Committee on Banks.

Which motion was agreed to ;

And then adjourned.

TUESDAY EVENING, FEBRUARY 17, 1846.

The committee met in the East Committee Room of the House of Representatives, pursuant to adjournment. All the members being present.

On motion of Mr. Trego,

Adjourned to the Supreme Court room.

Mr. Speaker Patterson laid before the committee the package alleged to contain the money offered to Mr. Piollet.

HENRY BUEHLER SWORN.

Saw the package this morning in Mr. Piollet's room—was sent for to Col. Piollet's room this morning, soon after nine o'clock—went there and found him under great excitement and indignation. He opened a drawer in his bureau, which contained a great number of notes, and asked me to count the money. I proceeded to count it, and while doing so, he said that it had been offered to him to influence him as a member of the Committee on Banks. I counted the money, and made it four hundred dollars. He desired me to put it up and seal it. I did so—this is the package—the seals have not been broken. There are two quarter eagles; the rest is bank notes, on various banks. There is a great deal of Plainfield money; perhaps principally so. About twenty minutes past nine this morning it occurred. Col. Piollet said he wished me, as a friend, to do this. His friends, Mr. Burrell and Col. Laporte, having left the house and gone to the Capitol.

VICTOR E. PIOLLET SWORN.

I am a member of the Committee on Banks of the House of Representatives, it consists of seven members; at our first or second meeting Dr. Samuels presented a memorial containing charges against the Lehigh County Bank. An investigation was ordered by the House—and was made the business of the committee for to-day. I was casually introduced to Mr. M'Cook on Thursday or Friday last, in Mr. Buehler's bar-room. On Saturday as I left the bar-room to go to my room, Mr. M'Cook followed, saying he wished to speak with me. He said there was an investigation going on before the Committee on Banks, of certain charges against the Lehigh County Bank, and he wished to speak to me on that subject. He showed me a paper in which was a written statement of the number of copies of the Sun, and other newspapers, pub-

lished by Moses Y. Beach, equal to a very large circulation ; perhaps 300,000 copies weekly. He said that Mr. Beach was one of the first engaged in the Texas affair, and that he was one of our strongest political friends. He stated further, that Mr. Beach had been offered two consulships by the present President, but he had declined them on account of his pressing engagements—that he was also interested in two banks in Ohio, I think in Mr. M'Cook's neighborhood ; the Lehigh County Bank, Plainfield Bank, and one in New Hampshire. That Mr. M'Cook was also interested with Mr. Beach in these Banks ; that the investigation had excited much interest on the part of political friends, and made other observations generally tending to show the above. That Mr. B. had assisted the State of Ohio in the payment of her interest. I replied that the charges against the Lehigh County Bank were of a serious character, supported by the oath of Jacob Dillinger, and others, of the best men in Lehigh county. That the investigation would be a fair one, and if the friends of the bank could meet the charges fairly, there was no disposition so far as I knew, on the part of the committee, to prejudge the case. He said Dr. Samuels was prejudiced against the bank, and the opposition of Mr. Dillinger, and others, were for reasons that ought not to operate. I said no prejudice of the Dr.'s, ought to operate against the bank, &c., and all would be fair if books, papers, &c., were not withheld.

I endeavored to convince him of the fair disposition of the committee towards the bank. He said the course of our party in Ohio towards banks, had injured us as a party, and this was the opinion of our friends in Washington. I said there was no disposition to wage war against the banks—doubted the policy of increasing our banking capital, but was willing to re-charter any sound institution. He again referred to the Lehigh County Bank, and I assured him there was nothing to fear if the charges were groundless. Other similar conversation ensued and he left me.

In the course of Saturday, I mentioned to Mr. Burrell that there was a good deal of interest felt in regard to this matter. Mr. B. said there was some reason to believe that corrupt means would be employed ; advising me to listen to any overtures which might be made, with a view of exposing them. I did not see Mr. M'Cook until yesterday (Monday) morning. After breakfast I was sitting at my fire in my own room. Mr. M'Cook came into my room and sat down near me. He said at once, I have written for your father to come here ; I was surprised, and said my father could not come, being 72 years old, in feeble health, and could not make the journey at this season of the year ; and inquired, what do you want with my father ? He said he wished to have him here to help in the Lehigh County Bank business. I replied he would be of no service. He said, I have written to him and have offered him \$300 if he will come down and assist me in this investigation before your committee. I said it was all nonsense—that he had done very wrong, and that he should write and explain it. He asked if I knew any one else whom he could employ ? I said no ! I did not think it necessary for him to go to any expense, for the committee would treat the matter fairly, and did not believe any man could influence their action. He said he wanted a report from the committee in favor of the bank ; that three of the committee had agreed to report in favor of the bank ; that he would deposite \$500 with me, or any person I would name, if I would vote for a report in favor of the bank in committee. I was much excited ; it had not appeared to me before, that I was to be approached in that direct manner. I said to him, I would think of it. He urged of me to designate a friend with whom he could confer. All I said afterwards was incoherent, from my strong excitement. I said I would think of it, and probably said, I would see him again. I was much incensed. He left my room, and a few minutes afterwards I called Judge Laporte into my room, stating these things to him. Mr. M'Cook said before parting, that he would see me again in the evening, at 10 o'clock. Mr. Burrell had advised me to keep it to myself if any attempt at corruption was made. I explained this to Judge Laporte, but said, I desired his advice and counsel in the matter. He said very little, but encouraged me to go on and be careful, and see the result. He left my room in a manner which appeared singular, and in four or five minutes returned with Mr. Burrell ; both sat down and begged me to be quiet. Mr. Laporte then

stated what I did not know before ; that Mr. M'Cook had on Saturday approached him in a similar manner.

Last evening about 10 o'clock, perhaps a little before, my brother-in-law having arrived and being in my room, said a gentleman had been there and left a note for me. (Note produced.) I took it into Judge Laporte's room and showed it to him. Mr. L. advised me not to go to the gentleman's room. I felt like abandoning the whole thing. Mr. Ward was in the room and I proposed consulting him. I stated to Mr. Ward the circumstances ; he said I should act as I thought it my duty, but the exposure would not be complete unless carried out in full. Mr. M'C. came to my room between ten and eleven o'clock, last evening ; exhibited a bundle of papers, and read a list of them by number. I asked him about a receipt from the president and cashier of the Lehigh County Bank ; he showed it to me.

He said your brother-in-law has come to town ; he asked me if I had selected a friend with whom to deposite the money, or if I would take it myself. I said I had selected no one. He said I want to pay you \$250 to-night, and \$250 when the report of the committee is made. I said a better way would be to settle the thing on the spot—we might probably not see each other afterwards. He said he would give me his note, endorsed by any one I would name, for \$250. I said his former offer of \$500 was better, and that no sum short of that would be accepted. He said he had not the money, but that Mr. Beach and the men with whom he (M'Cook) acted, were at Herr's hotel, and asked me if I could wait fifteen or twenty minutes, until he could go over and get the additional \$250. I said it would do as well in the morning. Mr. M'C. said it was important to have it settled that night, as the Committee on Banks met to-morrow. I said the morning would do as well, and that my brother-in-law would soon be in the room. Mr. M'C. then left me. I went into Mr. Laporte's room strongly inclined to abandon receiving the money. Mr. Burrell and Mr. Laporte thought the exposure would be more ample if I should receive it. This morning, about nine o'clock, I went to my room and found Mr. M'Cook there, who said he had been waiting some time ; said he had the money. Took off his hat, and took from it a number of bills of 1, 2, 3, 5, and 10 dollars. I observed while he was counting, Plainfield on some of the notes. He counted \$395 in bills, and took from his pocket two quarter eagles,—remarking that I must wait for the other \$100 until the report of the committee was made. I opened a drawer of my bureau, and told him he could put the money there ; he did so, and left the room. I rung the bell and directed the servant to request Mr. Burrell to come to my room. Mr. Burrell was absent ; so was Judge Laporte. I sent for Mr. Buehler, and asked him to count that money in the drawer. He said I am in a hurry. I said I have reasons for wishing you to do so ; it has been paid me for my vote in the Bank Committee. I want you to seal it up, for I intend to take it to the House, make a statement, and place it at the disposal of the House. Mr. Buehler did so:—that is the package. At our first interview nothing was said about my father, between me and Mr. M'Cook. Mr. M'Cook named to me the three members of the Committee on Banks, who would report favorably. He said Mr. Hilands, Mr. Steel, and Mr. Barber, would be favorable to the bank. He did not insinuate that money, or any consideration had induced them to do so.

Cross examined :

By Mr. M'Cormick. The conversation with Mr. Burrell, was after my first interview with Mr. M'Cook. At first interview, nothing exceptionable was said, unless it might have been an inference that I was expected to act from political considerations. No offer of corrupt means at first interview. I might have said on third interview, in reference to employing a friend to receive the money, that two persons could keep a secret better than three. I am under the impression that Mr. M'Cook fixed the hour of ten o'clock, for the second interview. Mr. M'Cook looked into my room—there was company there, and he went out. After Mr. Goodrich was gone, I told a servant to tell the gentleman in No. 22, that I was in my room and alone. He came in after the servant was sent, my brother-in-law having withdrawn. We had no discussion as to the amount to be given. I declined taking the note for two hundred and fifty dol-

lars. I did not say that nothing less than five hundred dollars would do, and that I wanted to fortify myself for the meeting of the committee to-morrow. Mr. M'Cook pushed me hard, and asked me if I was a Mason. I said I was not, although I am. I think Mr. M'Cook locked my door when he came in last night; I remember making no objections.

V. E. PIOLLET.

JOHN LAPORTE SWORN.

Sometime in the month of January, I was introduced to Mr. M'Cook by P. C. Ward, at Mr. Buehler's; there was some conversation relating to pension papers. I saw no more of him until Thursday last; when I went down to dinner, Mr. M'Cook was there, and asked me if I had received pension papers from Carrollton, Ohio. I answered that I had. He said they were sent by his son. When I opened them, I saw a slip on which was, "Please hand these to Mr. Ward." Mr. M'Cook came up in the afternoon; I gave them to him. On Saturday morning Mr. M'Cook came to me in Mr. Buehler's sitting room, and said, your son will be here in a few days; I have written to him to come. I looked at him astonished, asking him how he knew I had a son. He said P. C. Ward told him so. He then asked where he could see me to tell why he had sent for my son. I said I would be at the office after breakfast. He came about ten o'clock, on Saturday; I shut the door, wondering what he wanted. He said, I have written to your son to come. I do not want him to do any thing that will compromise his honor as a man or a democrat; and I have offered him five hundred dollars to come. He said he was deeply interested in the Lehigh County Bank; said there was quite an excitement at Washington, among our friends, about this investigation; mentioning the name of R. Dale Owen, who said he owed his election to Mr. Beach. He then took from his pocket a paper, showing the number of newspapers published, in which Mr. Beach was interested—to the amount of about three hundred and twenty thousand per week. He spoke of Mr. Beach's influence as a friend of Texas, &c., and that he had been offered valuable appointments. He offered to deposit the five hundred dollars with me, to be given to my son, as soon as the committee should report favorably. I said my son could not, nor would not come; his wife was in bad health. He then asked me if I could not assist; I told him no—that I was a member of the administration, and as such would not meddle with legislation in any case. We were often interrupted, and he left, saying he would see me again. Until he went out I could not perceive where he thought my son or myself could operate. After dinner we met in the bar-room, and I think, went into the parlour. He began to talk, and said we have *three* of the committee, and we must have another; and we think your son could operate on Col. Piollet. He wished me to use *convincing* arguments with Col. P., and intimated that five hundred dollars would be given. He considered Mr. Burrell and Dr. Samuels as against the bank, from last winter. At the first interview in the office, he asked me if I was a Mason. I told him no. Mr. John H. Dimock looked in, and I referred to him as a person who might do something for him. I afterwards met Mr. Burrell, and asked him if he knew Mr. M'Cook, and said he was interested in the bank, and that I thought some one of the committee was to be approached, as they had *three* members of the committee, and wanted another. I thought Col. Piollet was to be the man. After supper, Mr. Burrell told me that man has been with Col. Piollet, and that there was to be another interview. On Sunday afternoon it was agreed among us, that Col. Piollet should have communication with but one man. On Monday morning, I went to my room, and Col. Piollet called me, very much excited, and said that man has almost made me a direct offer. I saw Mr. Burrell, and we went to Col. P.'s room, and we advised that he should go on. He said there is to be an interview this evening; he showed me the note. I advised him to do as he felt was right in the matter. We went away; some gentleman passed in, and the door was locked. (Further testimony agrees with Col. Piollet's.)

J. M. BURRELL SWORN.

Having been called home in January, by sickness in my family, when I was returning, Mr. M'Cook was a passenger in the stage. He made the impression upon me that he was a man of more than ordinary acuteness and intelligence. He came on to Harrisburg, stopped a day or so, then disappeared, and I saw him no more until last week. He spoke to me one day last week about the Lehigh County Bank. I am a member of the Committee on Banks. He gave a number of reasons why the action of that committee should be favorable. He spoke of a meeting of some gentlemen in Washington city, who were desirous that the charter of the Lehigh County Bank should not be disturbed. He showed me the statement referred to by former witnesses, concerning the newspapers published by Mr. Beach, and stated that if the charter of that bank was repealed, it would take from Mr. Beach the means of sustaining these extensive publications. I told him he might rest assured that I would vote for the repeal of that charter, if upon examination I found it right to do so. The report given by Judge Laporte of his conversations with me, are substantially correct. I took the impression from our first conversation about M'Cook, that he had been using or was about to use improper means. On the same day, in the afternoon, Col. Piolet told me that M'Cook had been addressing him on the subject of the Lehigh County Bank. I told Col. Piolet that I had some suspicions that improper means were about to be used, and expressed the opinion that the man who had courage and address enough to allow such things to take their course and develop themselves fully, for the purpose of making a full and complete exposure, would do a public service. After the conversation referred to by Judge Laporte, as having occurred on Monday morning, I knew nothing particularly of this business until this morning, when Col. Piolet called me to his seat in the House, showed me that package, telling me it contained four hundred dollars, and that he had received it this morning from M'Cook, for his vote in the Committee on Banks, and was going to lay it on the Speaker's desk for the disposition of the House. No other stranger than Mr. M'Cook has spoken with me about this bank. One person, a citizen of this place, not a member, has spoken to me.

Cross examined:

No improper advances were made to me by Mr. M'Cook, excepting in the suggesting of political considerations.

J. M. BURRELL.

WEDNESDAY, FEBRUARY 18, 1846.

The Committee met pursuant to adjournment.

All the members being present.

Mr. M'Cook rose and stated, that in consequence of the inability of his counsel to attend the investigation this afternoon, he was under the necessity of requesting a postponement of the examination until to-morrow; and requested that subpoenas be issued for the following named persons, to wit:—Dr. C. T. Rowell, Col. John Piper, John Rhey, Wm. Robinson, Col. John Bigler, Henry Buehler and John R. Edie.

The Committee also resolved to summon Elisha S. Goodrich, Thomas C. Steel, Alexander Hilands, Robert Barber, Jesse Samuels, John Kline, John H. Dimock.

The Committee then adjourned to meet at 3 o'clock to-morrow afternoon.

THURSDAY, FEBRUARY 19, 1846.

'The Committee met as adjourned from yesterday.

Present all the members.

ELISHA S. GOODRICH SWORN.

Is Clerk of the Senate. Has never heard Mr. M'Cook speak on the subject. [Counsel for Mr. M'Cook objected to this evidence.] On Saturday or Monday last, I think Saturday, a gentleman said he wished to speak to me before I left the Senate chamber. I went to him at one of the Senator's desks. It was John H. Dimock. He asked me if I had any influence with Col. Piollet. I asked him the object of the question. He said that petitions had been presented for an investigation of the Lehigh County Bank, and that its friends were desirous to have a favorable report; that they had three members of the committee, and desired to secure a fourth. He went on to explain at considerable length, why they were entitled to a favorable report, and that the bank was apparently persecuted, detailing various circumstances in support of this. He said if I could get another member of the committee to go in favor of the bank, I could have one hundred dollars. I asked him who would give one hundred dollars, and he said Mr. M'Cook. He gave no further explanation. No other person spoke to me in reference to this, and I know of no further attempts to influence Col. Piollet's action.

By Mr. Stevens. No proposition was made by Mr. Dimock authorizing me to offer any pecuniary advantage to any person. Called at Mr. Piollet's room, but had no conversation with him on this subject.

E. S. GOODRICH.

JOHN H. DIMOCK, affirmed.

I became acquainted with Mr. M'Cook some two weeks ago, in the Hall of the House of Representatives. I then had no conversation with him on the subject of the Lehigh County Bank. I have since had conversation with him on this subject. I was requested by him to call at his room, in relation to some pension matters. He had been to Washington in relation to pension matters, and had left his business with Mr. Peter C. Ward. I asked him if he had got his business done to his satisfaction; he said he had. I told him Mr. Ward had gone home, and I understood was not coming back. He said his papers were in Mr. Ward's hands, and he might want them, and requested me to call at his room. This I think was Thursday of last week. I called to see him. He said he could do without the papers Mr. Ward had, and said there was another matter he would like to consult with me about. Mr. Laporte's name was mentioned; I am not certain whether he said Mr. Laporte had referred him to me. He said what he wished to consult with me about was nothing that would compromise my honor or my principles. He said he had been to Washington, and there had learned that there was a movement in the Legislature of Pennsylvania, to have the charter of the Lehigh County Bank repealed. He said he was interested in that bank, and was desirous that it should have a fair investigation. He asked if I knew any thing about the charges against the bank? I said I did not. I said I had heard of petitions and remonstrances on the subject, but that was all I knew. He said he was a stranger in Harrisburg, and wished me to assist him. I asked him to state what the charges against the bank were. He said one of the charges was want of organization, and mentioned others. He said he had come on here to attend to the interests of the bank, and was requested to do so. He said, I believe you are from the same county as Mr. Piollet. I said I was not, but from an adjoining county. He said there was a strong prejudice against the bank, and he had ascertained from Mr. Burrell or Mr. Piollet, there was a disposition if the charges were found correct, to repeal the charter. He said he had employed counsel. I told him this was useless; he should go before the committee and make a fair and candid statement of facts. He asked me if I had any influence with Col. Piollet; he wished me to state the facts to Col. Piollet, and induce him to

go in favor of the bank. He did not offer me any money as an inducement to influence Col. Piollet. There was nothing said about paying Col. Piollet. He said at the outset that he was willing to compensate me for my trouble or advice. He said Mr. Barber, Mr. Steel and Mr. Hilands, were favorable to the bank, but the others were hard cases. He wished to find some person who would influence Col. Piollet, and I named Mr. Goodrich as coming from the same county. He said he would be glad if I would see Mr. Goodrich. He did not state how he knew that three members were favorable. He said nothing about offering money to any person. He said if Mr. Goodrich would take the trouble to see Mr. Piollet, and reason with him on the subject, he would give him \$100, and authorized me so to state to Mr. Goodrich. This conversation was on Thursday. I saw Mr. Goodrich next day. Mr. M'Cook had said the Committee on Banks would meet on Tuesday, and he wished me to see Mr. Goodrich as soon as I could. On Saturday I saw Mr. Goodrich, and told him of these matters, and that it would not compromise his honor or his principles. Mr. Goodrich has substantially stated the facts in relation to our conversation. I saw Mr. M'Cook afterwards, and told him I had seen Mr. Goodrich.

Mr. M'Cook said he lived in Carroll county, Ohio, and that there was a bank in Ohio, in which Mr. Beach had an interest, and in which he also felt an interest, and also in the Lehigh County Bank. He said the cashier of the Lehigh County Bank had been, or was here in Harrisburg, but named no other person likely to act in this affair.

Mr. M'C. gave me no intimation that any corrupt means were to be used in relation to Mr. Piollet's action in the Committee on Banks. He did not request me to speak with any member of the Legislature. The offer of compensation made to me and Mr. Goodrich, was for our own trouble, and not for any other person. I have had no communication with Mr. M'Cook since I was subpoenaed as a witness.

Mr. Stevens. When Mr. M'C. said to you that the other four members of the committee were hard cases, did he refer to the fact that in Ohio the sentiments of people in relation to banks were known by their being called *hards* and *softs*?

He made no reference to this.

J. H. DIMOCK.

ALEXANDER HILANDS SWORN.

I am a member of the House of Representatives, and one of the Committee on Banks. I never saw Daniel M'Cook until after his arrest by the Sergeant-at-Arms, and never spoke to him in my life. No person has ever spoken to me in relation to my course as a member of the Committee on Banks, so far as the investigation of the Lehigh County Bank is concerned.

A. HILANDS.

JESSE MILLER SWORN.

I do not know that I have any personal knowledge as to any attempt to influence Col. Piollet. I have had no conversation with Mr. M'Cook on the subject. I think on last Saturday morning, I suppose between 9 and 10 o'clock, I was coming to my office, and stopped at Mr. Laporte's office, I found a gentleman in the office with Mr. Laporte; I was introduced to him by Mr. Laporte as Mr. M'Cook. A map was spread upon Mr. Laporte's table. After a little time spent in general conversation, some other gentlemen came in, and Mr. M'Cook left, and after some time I went to my office. That same evening, about sunset, Mr. Laporte came to my office and asked me if I knew any thing of Mr. M'Cook. I said I thought I had met with him before I saw him in the office, but could not tell where, nor did I know any thing of him. [Mr. Stevens objects to any evidence as to conversation as having taken place when Mr. M'Cook was not present.] Mr. Laporte observed that he was going to disclose a matter to me confidentially, and that he had never been taken so aback in his life, as he had been by a proposition made to him that day by Mr. M'Cook. Mr. Laporte's evidence details substantially the facts and circumstances which he then mentioned to me. On Monday, I think, the day before this disclosure was made, Col.

Piollet was in my office engaged in business, and he introduced this subject, the first conversation I had with him in relation to it. He told me in brief what had been going on, and said I suspect you know. He said he expected it would be consummated that evening, and spoke of the delicate position in which it would place him. I told him unhesitatingly that I thought he was right, and that such exposure ought to be made. That is the only conversation between us on the subject, so far as I recollect, before the exposure was made in the House.

This conversation was, I think, in the afternoon; I cannot fix the hour, probably between 3 and 6 o'clock. I cannot say Col. Piollet showed any great agitation, or any symptoms of distress of mind. The subject was brought up incidentally.

J. MILLER.

THOMAS C. STEEL affirmed.

I am a member of the House of Representatives, and of the Committee on Banks. I never saw Mr. M'Cook until he was brought into the House of Representatives, in charge of the Sergeant-at-Arms, and never exchanged a word with him. No person has ever, directly or indirectly, used any improper or corrupt means to influence my action as a member of the Committee on Banks. I have talked with the members of the committee in regard to the Lehigh County Bank, but with no other person. I do not know that I have ever made suggestions to any person, as to the best means of obtaining bank charters. I have never heard Col. Piollet make use of the word *feathers* as the best means of obtaining a bank charter.

THOMAS C. STEEL.

ROBERT BARBER sworn.

I am a member of the House of Representatives, and of the Committee on Banks. I have never spoken with Mr. M'Cook. No person has ever attempted to influence me in relation to the Lehigh County Bank. I have not stated to any person out of the committee what my course would be in relation to this bank. Mr. Burrell and Mr. Hilands were members of that committee with me last year. In conversation on this subject, after the matter had come before the House, Mr. Piollet said to me that he had told Mr. M'Cook if he had any proposition to make that there was no need of employing a friend in the matter between them, for that two could keep a secret better than three. Mr. Piollet said that Mr. M'Cook had suggested if he had any other friend that he could do any thing for, that he should name him.

R. BARBER.

Adjourned to meet this evening at 7 o'clock.

THURSDAY EVENING, FEBRUARY 19, 1846.

The Committee met.—All the members present.

BENJ. BARTHOLOMEW sworn.

Is a member of the Legislature. On the third day of the session, I think it was, I was talking with Mr. Piollet, and told him I wanted a bank chartered at Warren, and wanted his vote; he said no! he was opposed to banks. My reply was, that the bank which I wanted was a perfectly democratic bank, willing to have the individual liability, and that it met the views of the Executive in his message. He then made the remark that there was no individual liability in Warren county. I said there were individuals in Warren county as responsible as in any county in the State, so far as they were willing to go. He then asked me whether this bank would have any *feathers*? Because a bank must have feathers to get through the Legislature. He said this laughingly to me.

BENJ. BARTHOLOMEW.

JOHN R. EDIE SWORN.

Is a member of the Legislature. I called upon Mr. Piollet after he had made his statement to the House, not having heard it distinctly, and asked him to give me a statement of the facts, in relation to the transaction. He gave me a statement, not particularizing the interviews that had taken place, and said that Mr. Cook's first proposition to him, was to employ his father as an agent in the transaction, and said that he had written to him, (Piollet's father,) and offered him a compensation of three hundred dollars, for attending to this business. Mr. Piollet said his father could not come, being an old man. That afterwards he proposed to Mr. Piollet that he should name a friend whom he could employ in the capacity of agent. Mr. P., then said he looked up at him, and told him he supposed they understood each other; that two persons could keep a secret better than three; that if there was to be any money paid, he preferred receiving it himself, to having it paid to a third person. This conversation took place before the adjournment of the House, at Mr. P.'s seat. I think Mr. Kunkel was there as I was going or coming away. The members around us were, several of them, in their seats. Mr. Piollet's statements to me, agreed very nearly with his testimony before the Committee last evening, but was not so much in detail.

J. R. EDIE.

Col. JOHN PIFER SWORN.

I was in Mr. Buehler's back room on Tuesday, after the notice of this matter in the House of Representatives, and before dinner Col. Piollet sat down upon the settee, and asked me if I had heard his statement in the House. I said I had not. He said his character and reputation had been suffering for the last six or seven years; that he now had an opportunity to convince the world that he was an honest man; that this was the lowest estimate that had ever been put upon his reputation. Some persons came in, and no further conversation ensued between us. I board at Mr. Buehler's, in the same house with Mr. P., and Mr. M'Cook. I have seen them frequently meet and speak, and leave the room together on two occasions. Once they went out at the front door. I had no reason to believe that any other than friendly feelings existed between them. I observed no distress or excitement in Mr. Piollet in his intercourse with Mr. M'Cook, or any other gentleman. There might have been some person, perhaps Dr. Gray, present about the time the conversation between me and Mr. Piollet closed.—The day on which Mr. Piollet and Mr. M'Cook left the room together, was between Thursday and Monday; on Sunday, I think. Mr. M'Cook came to Mr. Buehler's in January; I had no conversation with him at that time about the Lehigh County Bank. The first conversation I had with Mr. M'Cook, about the Lehigh County Bank, was on last Friday, I think; perhaps it might have been on Thursday—I now rather think it was. He asked me to take a seat; he had a subject under care, on which he wanted my opinion, and asked me how I stood with regard to banks. I said as regarded banks, I was a democrat. He then observed that the democracy of Pennsylvania and Ohio differed with regard to banks; that in Ohio, some were *hards* and some were *softs*. He asked me if I thought the democratic party at this time, intended to destroy the banking system. I said I thought not, but to correct it. He then said he was here as the agent for the owners of the Lehigh County Bank; that a persecution had been got up in Lehigh county, against the bank, and that they were petitioning for a repeal of its charter; that he was a stranger in this place, and therefore required some assistance in the matter—asking me what course I thought he ought to pursue. He said the subject was before the Committee on Banks, and he wished to employ some one as counsel before that committee, and asked me if I was acquainted with the lawyers of this place, and whom I would recommend to attend to this business before the committee. I said I would inquire of some one, who would be the proper person. I met Mr. Petriken, who recommended Mr. M'Cormick. Mr. M'Cook desired to have a statement made to the Committee on Banks, for the purpose of removing prejudice against the Lehigh County Bank. He asked me if I could have any influence with members of the Legislature, relative to removing the bank to

Mauch Chunk. I have called upon members, at his request, to ascertain if a favorable report was made, whether they would favor this removal. He informed me that he had had one or two conversations with Mr. Piollet, and one with Mr. Burrell. This was on Saturday, and he told me he was to have an interview with Mr. Piollet, on Monday night, at ten o'clock. He said he had an interview with Mr. Laporte, on the subject of sustaining the bank, and then of removing the bank. I was in Mr. M'Cook's room on Monday night, for the purpose of showing me a list of the newspapers controlled by Mr. Beach. During our conversation, the servant came, and said Mr. Piollet desired to see him in his room. He turned back for some papers, and I passed down stairs.

JOHN PIPER.

JOHN RHEY SWORN.

I reside in Pittsburg. I have been acquainted with Mr. M'Cook ten or fifteen years. Have known him as a merchant when he was in partnership and dealt with a house in which my son was interested. I have a son-in-law and sister residing in the same town with Mr. M'C. I have always heard his character spoken of favorably—very favorably. I am here on business of my own. Mr. M'Cook has been for many years clerk of the courts in Carroll county, Ohio. The clerks are there appointed by the several courts; he has been several times re-appointed, and now holds the office.

JOHN RHEY.

JOHN BIGLER SWORN.

I reside in Pittsburg—am editor of the Morning Post. I have been acquainted with Mr. M'Cook about nine years. I resided at one time in Ohio—was clerk of the board of public works. The character and standing of Mr. M'Cook, I have always heard well spoken of. I have heard nothing against his good reputation. I am not here in reference to this bank business. I do not know that Mr. M'Cook is connected with any bank in Ohio. I formed his acquaintance at Columbus, in 1837, I think. I know nothing with regard to his pecuniary circumstances.

JOHN BIGLER.

Col. WM. ROBINSON SWORN.

I have been acquainted with Mr. M'Cook eight or ten years. He has frequently visited Pittsburg, and I have met him in Washington. I have always met him in the society of reputable gentlemen, and have never heard any thing contrary to his good reputation.

W. ROBINSON.

NEVILLE B. CRAIG SWORN.

I am acquainted with Mr. M'Cook; some twenty-seven years ago I resided in New Lisbon, Ohio; he came there at the time. Since that time I have seen but little of him, but have never heard any thing against his character.

NEVILLE B. CRAIG.

A statement in writing, under oath, (marked A,) was here offered by Mr. M'Cook, with the request that it be read before the committee.

When a motion was made by Mr. Nicholson, that the paper be read.

Which was not agreed to.

YEAS—Messrs. Trego and Nicholson—2.

NAYS—Messrs. Knox, Galloway and Gwin—3.

Whereupon,

The paper not being received, was returned to Mr. M'Cook.

J. M. BURRELL, recalled.

On Tuesday, after Mr. Piollet had made his statement, we went together to Mr. Buehler's where we both board, and went into his room. Mr. Wireman was in the room, and perhaps Mr. Petriken. I remained there until the bell rang for dinner, and we went down together. After dinner I went to my room. I think it was night before last I was in Mr. Buehler's bar-room. I think Col. Piollet, Mr. Wireman and Mr. Mitchell were there. I think Col. Piper stated that Mr. M'Cook had been badly advised. I think he said Mr. M'Cook told him he had been advised to approach me, referring to previous time. Col. Piper told me that he had said to Mr. M'Cook that he had better not, or had better let it alone. I think the Col. said further, that Mr. M'Cook had told him that he was advised to approach Judge Laporte. The Col. stated that he told Mr. M'Cook that he had better let that alone. Something was said by Col. Piper, too, that M'Cook had said something about Mr. Piollet in the same connection. He repeated his opinion that Mr. M'Cook was a gentleman of integrity, but that he had been badly advised. I asked him if he knew who had advised M'Cook. I think he said he did, but he could not tell me. He showed me a list of names of gentlemen, members of the House, whom he had been requested by Mr. M'Cook to see upon this subject. I do not remember that Col. Piper said at the time that he could not tell, because he did not then know.

I recollect being in the back room at Col. Buehler's, and seeing Col. Piper, and telling him something about this business, and recommending him to have nothing to do with it.

J. M. BURRELL.

JOHN L. WEBB sworn.

I was present in my seat at the time Mr. Piollet made his statement to Mr. Edie. The statement made by Mr. Edie, of what Col. Piollet said to him, is correct, with one or two omissions, or discrepancies, as I understand it. I understood Col. Edie to say, that Col. Piollet had said to him, that he had told Mr. M'Cook that he did not wish a third person to be employed. I understood Mr. Piollet to say to him, that he said he did not think any third person was needed, leaving M'Cook to infer that two could keep a secret better than three; and if any money was paid, it should be paid to him (Col. Piollet.)

J. L. WEBB.

JOHN M. PUMROY sworn.

I was not in the House when Col. Piollet made his statement, but coming in shortly afterwards, went over to his seat to obtain some information. I found him about leaving his place, and he remarked, in substance, that he had some suspicion, for some time, about these borers for the Lehigh County Bank, and he thought he would be able to catch some of them. He then went away and said no more.

JNO. M. PUMROY.

The testimony was here closed ;

And the committee adjourned to meet to-morrow morning at nine o'clock.

FRIDAY MORNING, FEBRUARY 20—9 o'clock.

Committee met in the Library Room.

All the members present.

The package laid upon the Speaker's table, and which had been left in his care by order of the House, was produced by him, and opened by the committee, in presence of the Speaker and Mr. Buehler. It was found to contain \$261, in notes on the Plain-

field Bank ; \$30 on the Lehigh County Bank ; \$104, in notes on sundry other banks, and in gold \$5, making in all \$400. This money was again sealed up by Mr. Buehler, in the presence of the committee, and again delivered to the Speaker.

Adjourned to meet this evening, at 7 o'clock.

FRIDAY EVENING, FEBRUARY 20, 1846.

A meeting of the Committee was held.

All the members being present.

A sketch of the report of the committee was submitted, which being read and considered, was committed to the Chairman for revision.

Adjourned to meet to-morrow morning, at 9 o'clock.

SATURDAY MORNING, FEBRUARY 21, 1846.

The Committee met—All the members present.

The Chairman presented a revised copy of the report, which was read.

A motion was made by Mr. Trego,

To strike out the concluding paragraph of the report, together with the first resolution.

Which was not agreed to.

And it was

Ordered, That the report be presented to the House, together with the journal of the committee, and a copy of the testimony.

And the committee adjourned.

